IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13713 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DIPTIBEN RAJENDRA SHAH

Versus

REGIONAL PASSPORT AUTHORITY

Appearance:

1. Special Civil Application No. 13713 of 2003

MR AM PAREKH for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/10/2003

ORAL JUDGEMENT

RULE. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Shri D.N. Patel,

Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that the petitioner wanted to get her date of birth changed in her passport and, therefore, has given an application dated 29.08.2003, but the said application is not being entertained by the respondent. It has been submitted by learned advocate Shri A.M. Parekh appearing for the petitioner that the petitioner is having passport bearing No. N-043589, wherein her date of birth has been recorded as 15.05.1958. The said passport has already expired. The petitioner wants a new passport wherein she would like her date of birth to be recorded as 12.09.1958 on the basis of her birth certificate.

3. The petitioner has, therefore, prayed that the respondent authority be directed to issue the new passport with the correct date of birth of the petitioner as shown in the birth certificate, i.e., 12.09.1958.

4. Learned advocate Shri N.J. Shah appearing for the respondent authority has submitted that only on the basis of material given by the petitioner in the past, her date of birth was recorded as 15.05.1958. It is his case that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the passport authority is satisfied with the genuineness of the data to be corrected.

6. I have heard the learned advocates. Looking to the facts of the case, the respondent is directed to look into the application dated 29.08.2003 submitted by the petitioner and the evidence adduced by the petitioner to the respondent in support of her case that her date of birth is 12.09.1958. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order thereafter.

7. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

8. It is hoped that the respondent authority shall scrutinize the application and shall take appropriate

action as soon as possible.

The petition is allowed. Rule is made absolute.
D.S. permitted.

(A.R. Dave, J.)

siji